

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 12, 2003

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 12, 2003

The Senate met in regular session at 8:34 a.m., President Kramer presiding.

Prayer was offered by the Reverend Bill Steward, pastor of the Grace United Methodist Church in Des Moines, Iowa. He was the guest of Senator Sievers.

The Journal of Tuesday, February 11, 2003, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 2](#).

[Senate Concurrent Resolution 2](#)

On motion of Senator Iverson, [Senate Concurrent Resolution 2](#), a concurrent resolution relating to the compensation of chaplains, officers and employees of the eightieth general assembly, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Concurrent Resolution 2](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [Senate Concurrent Resolution 2](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:43 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:46 a.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Boettger, the Senate adjourned at 11:51 a.m. until 8:30 a.m. Thursday, February 13, 2003.

APPENDIX**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 12, 2003

DEPARTMENT OF HUMAN SERVICES

Mental Health and Developmental Disabilities Commission Annual and Biennial Report, pursuant to Iowa Code section 225C.6.

AGENCY ICN REPORT**DEPARTMENT OF PERSONNEL**

Iowa Communications Network (ICN) Usage for FY 2002, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: February 11, 2003, 3:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Discussion regarding the Program Elimination Commission recommendations.

Adjourned: 4:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 11, 2003, 3:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

Members Absent: None.

Committee Business: Presentation by representatives of the Department of Revenue and Finance.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 11, 2003, 3:05 p.m.

Members Present: Gaskill, Chair; Houser, Vice Chair; Black, Ranking Member; Seng and Seymour.

Members Absent: None.

Committee Business: Presentations by Department of Agriculture regarding the FY 2004 budget, pseudorabies, and Exotic Newcastle disease.

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 11, 2003, 3:05 p.m.

Members Present: Schuerer, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Shull.

Members Absent: None.

Committee Business: Overview by the Legislative Fiscal Bureau regarding the FY 2004 budget and Governor's recommendations.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 11, 2003, 3:05 p.m.

Members Present: Johnson, Vice Chair; Hatch, Ranking Member; Bolkom and Veenstra.

Members Absent: Tinsman, Chair (excused).

Committee Business: Presentations by various representatives of the Department of Human Services.

Adjourned: 4:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 11, 2003, 3:00 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: Angelo, Vice Chair.

Committee Business: Presentations by the Office of the State Public Defender and the Department of Corrections.

Adjourned: 4:35 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: February 11, 2003, 3:10 p.m.

Members Present: Beall and Kettering.

Members Absent: McKibben, Chair; Lamberti, Vice Chair; and Warnstadt, Ranking Member (all excused).

Committee Business: Presentations by the Department of General Services and Iowa Public Television.

Adjourned: 4:20 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 12, 2003, 10:10 a.m.

Members Present: Schuerer, Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, Seymour, and Wieck.

Members Absent: Lundby, Vice Chair; and McKibben (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 10:15 a.m.

LOCAL GOVERNMENT

Convened: February 12, 2003, 10:30 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Rehberg, Seymour, Stewart, and Wieck.

Members Absent: None.

Committee Business: Passed SFs 7 and 57.

Adjourned: 11:00 a.m.

STATE GOVERNMENT

Convened: February 12, 2003, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, and Veenstra.

Members Absent: Connolly and Tinsman (both excused).

Committee Business: Approved Governor's appointees.

Adjourned: 10:45 a.m.

WAYS AND MEANS

Convened: February 12, 2003, 2:05 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, Lamberti, McCoy, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, and Stewart.

Members Absent: Larson (excused).

Committee Business: Discussion of [SF 41](#).

Adjourned: 2:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 12, 2003, 3:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Rehberg and Stewart.

Members Absent: Holveck, Ranking Member (excused).

Committee Business: Presentations by Chet Culver, Secretary of State, and by Ethics and Campaign Disclosure Board.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 12, 2003, 3:05 p.m.

Members Present: Gaskill, Chair; Houser, Vice Chair; Black, Ranking Member; Seng and Seymour.

Members Absent: None.

Committee Business: Presentation by Jeffrey Vonk, Director of Department of Natural Resources.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

[Senate File 120](#), by Connolly, a bill for an act establishing a grant process to provide school districts with resources to implement volunteer student mentoring pilot projects, making an appropriation, and providing emergency rulemaking authority.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 121](#), by Connolly, a bill for an act relating to the establishment of a smaller learning communities pilot program for school districts and making an appropriation.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 122](#), by Bolkcom and Connolly, a bill for an act relating to the annual designation of a “state of Iowa theater” by the Iowa arts council and the governor.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 123](#), by Boettger and Fraise, a bill for an act relating to anatomical gifts including bone marrow and organ donation by state employees and grants from the anatomical gift public awareness and transplantation fund.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 124](#), by Houser, a bill for an act relating to local government financing, including local government fiscal reform, authority for bonding, and the percentage of actual value at which residential property is assessed, and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 125](#), by Lundby, a bill for an act relating to funding for nongame wildlife programs by increasing the fees for special natural resources motor vehicle registration plates.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 126](#), by Zieman, a bill for an act relating to all-terrain vehicle use for agricultural purposes by children under sixteen years of age.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 127](#), by Gronstal and Iverson, a bill for an act establishing a special breast cancer awareness motor vehicle registration plate and appropriating fees from such plates for breast cancer screening.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 128](#), by Black, a bill for an act relating to condemnation of agricultural land for recreational trails.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 129](#), by Houser, a bill for an act establishing a commission on state and local taxation.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 130](#), by committee on Local Government, a bill for an act relating to controlled burns of demolished buildings.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 131](#), by Kibbie, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing a fee, and making penalties applicable.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 132](#), by Lundby, a bill for an act relating to procedures and services relating to dependent adults and at-risk older adults.

Read first time under Rule 28 and referred to committee on **Government Oversight**.

[Senate File 133](#), by Shull, a bill for an act authorizing cities to impose park impact fees.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

STUDY BILLS RECEIVED

[SSB 1070](#) **Commerce**

Relating to the taxation of utilities, including establishment of a natural gas delivery tax rate for new electric power generating plants, establishment of a replacement transmission tax for certain municipal utilities, methods of allocation of replacement generation tax incurred by certain new stand-alone electric power generating plants, a formula for determining taxable value for property generating replacement tax annually, extending the task force, and providing for applicability.

[SSB 1071](#) **Ways and Means**

Relating to the establishment of tax credits for income tax, franchise tax, premiums tax, and moneys and credits tax for businesses contributing to child care benefits for employees and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 10**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

Senate File 81

TRANSPORTATION: Drake, Chair; McCoy and Putney

Senate File 95

TRANSPORTATION: Drake, Chair; McCoy and Putney

Senate File 106

TRANSPORTATION: Drake, Chair; McCoy and Putney

Senate File 111

WAYS AND MEANS: Rehberg, Chair; Dotzler and McKinley

Senate File 115

WAYS AND MEANS: Larson, Chair; Connolly and Miller

Senate File 116

APPROPRIATIONS: Lamberti, Chair; Black and Kramer

Senate File 118

APPROPRIATIONS: Lamberti, Chair; Dvorsky and Kramer

Senate File 120

EDUCATION: McKinley, Chair; Connolly and Rehberg

Senate File 121

EDUCATION: Boettger, Chair; Hosch and Kreiman

Senate File 127

TRANSPORTATION: Drake, Chair; Rehberg and Warnstadt

SSB 1070

COMMERCE: Schuerer, Chair; Bolcom and Redfern

SSB 1071

WAYS AND MEANS: Angelo, Chair; McCoy and McKinley

LSB 2393sv

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORT**LOCAL GOVERNMENT**

Final Bill Action: *[SENATE FILE 130](#) (formerly [SF 7](#)), a bill for an act relating to controlled burns of demolished buildings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Rehberg, Seymour, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 130](#), and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

STATE GOVERNMENT

Richard Johnson – Accountancy Examining Board

Elaine Baxter – Lottery Board

Jeannette Adamski – Board of Speech Pathology and Audiology Examiners

Becky Vilda – Board of Speech Pathology and Audiology Examiners

Byron Coghlan – Commandant of the Iowa Veterans Home

AMENDMENT FILED

[S-3008](#)

[S.F. 97](#)

Richard F. Drake
Steven H. Warnstadt